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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,093	03/07/2001	Sylvia Y. Chen	CS10664	3925

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[REDACTED] EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
	3629

DATE MAILED: 05/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/801,093	CHEN ET AL.
	Examiner Jonathan Ouellette	Art Unit 3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 March 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 7-10, 12, 14-17, 21-23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al. (US 6,026,375).
4. As per independent Claim 7, Hall discloses a method of notification upon arrival at a predetermined location comprising the step of: receiving a first signal indicative of a first location of a first party (Abstract); transmitting a second signal to a second party when the first location is equal to a first predetermined location (C3 L34-40); and coordinating an activity at a second predetermined location based on the second signal (Abstract).
(Abstract, Figs.6a-6c, C2 L49-61, C3 L34-54, C4 L32-39, Claims 1-21)
5. As per Claim 8, Hall discloses locating the first party to provide the first location (Abstract).

6. As per Claim 9, Hall discloses wherein the step of transmitting the second signal is triggered automatically (C3 L34-40).
7. As per Claim 10, Hall discloses wherein the step of transmitting the second signal is triggered manually by the first party (C3 L34-40).
8. As per Claim 12, Hall discloses wherein the second signal is programmed by the first party (Abstract).
9. As per Claim 14, Hall discloses wherein the second signal is specific only to the first party (Abstract).
10. As per independent Claim 15, Hall discloses a communication system comprising: means for determining a location of a mobile station (Abstract); means for estimating the time of arrival of the mobile station at a predetermined location and means for receiving a signal indicative of at least one of the location of the mobile station and the estimated time of arrival of the mobile station (C2 L49-61), wherein the means for receiving is specific to a first party (Abstract). (Abstract, Figs.6a-6c, C2 L49-61, C3 L34-54, C4 L32-39, Claims 1-21)
11. As per Claim 16, Hall discloses means for manually transmitting the signal (Abstract).
12. As per Claim 17, Hall discloses means for automatically transmitting the signal (C3 L34-40).
13. As per independent Claim 21, Hall discloses a computer program embodied on a computer readable medium for coordinating an activity at a predetermined destination comprising: a first routine the locates the position of one or more parties at least once (Abstract); a second routine the periodically estimates a time of arrival for the one or

more parties at a predetermined destination; and a third routine that schedules an activity based at least in part on the periodically estimated time of arrival of the one or more parties (C2 L49-61). (Abstract, Figs.6a-6c, C2 L49-61, C3 L34-54, C4 L32-39, Claims 1-21)

14. As per Claim 22, Hall discloses a fourth routine the processes a payment of a fee from the one or more parties, the fee being associated with the activity (Claims 13-17).

15. As per independent Claim 23, Hall discloses a method of doing business comprising the steps of: receiving a first order from a first customer (Abstract); receiving a first signal indicative of a first location of the first customer (Abstract); estimating a time of arrival of the first customer at a destination; and preparing the first order to coincide with the estimated time of arrival of the first customer at the destination (C2 L49-61). (Abstract, Figs.6a-6c, C2 L49-61, C3 L34-54, C4 L32-39, Claims 1-21)

16. As per Claim 25, Hall discloses receiving payment for the first order electronically (Claim 17).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 24 are rejected under 35 U.S.C. 103(a) as being obvious over Hall.

19. As per Claim 24, Hall fails to expressly disclose receiving a second signal order from a second customer; receiving a second signal indicative of a second location of the second customer; estimating a time of arrival of the second customer at the destination; and preparing the second order to coincide with the estimated time of arrival of the second customer at the destination.
20. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to repeat the process of Claim 23, which is disclosed by Hall (Abstract, C2 L49-61), with a number of customers - for the advantage of creating revenue by offering the business method to a customer base.
21. Claims 1-4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall in view of Hendrey et al. (US 2002/0107008 A1).
22. As per independent Claim 1, Hall discloses a method of coordinating an activity at a destination of a first party and a second party comprising the steps of: receiving a first signal indicative of a location of the first party, wherein the first signal is received at a central scheduling computer (Abstract); and creating a schedule to coordinate an activity automatically at the destination based at least in part on the first signal (C2 L49-61).
(Abstract, Figs.6a-6c, C2 L49-61, C3 L34-54, C4 L32-39, Claims 1-21)
23. Hall fails to disclose receiving a second signal indicative of a location of the second party, wherein the second signal is received at the central scheduling computer.
24. Hendrey teaches receiving a second signal indicative of a location of the second party, wherein the second signal is received at the central scheduling computer (Para 69-71).

25. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included receiving a second signal indicative of a location of the second party, wherein the second signal is received at the central scheduling computer, as disclosed by Hendrey in the system disclosed by Hall, for the advantage of providing a method of coordinating an activity with the advantage of bringing together two mobile uses.
26. As per Claim 2, Hall and Hendrey disclose receiving at the central scheduling computer an update of the location of the first party; and updating the schedule automatically based on the update of the location of the first party (Hall: Claims 19-21).
27. As per Claim 3, Hall and Hendrey disclose estimating a time of arrival for at least one of the first party and the second part at the destination to provide estimates (Hall: C2 L49-61).
28. As per Claim 4, Hall and Hendrey disclose updating at least one of the estimated time of arrival of the first party and the estimated time of arrival of the second party (Hall: Claims 19-21).
29. As per Claim 6, Hall and Hendrey disclose wherein at least one of the first signal and the second signal is transmitted in response to a manual action by at least one of the first party and the second party respectively (Hall: Abstract).
30. Claim 5 is rejected under 35 U.S.C. 103 as being unpatentable over Hall and Hendrey.
31. As per Claim 5, neither Hall nor Hendrey expressly show wherein the second signal is one of a preprogrammed audio message, a preprogrammed video message and a preprogrammed text message.

32. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The method of coordinating an activity would be performed regardless of the type of signal used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to send a preprogrammed audio message, a preprogrammed video message, or a preprogrammed text message as the second signal, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

34. Claims 11 and 19 are rejected under 35 U.S.C. 103 as being unpatentable over Hall.

35. As per Claims 11 and 19, Hall does not expressly show wherein the second signal is one of a preprogrammed audio message, a preprogrammed video message and a preprogrammed text message.

36. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The method of coordinating an activity would be performed regardless of the type of signal used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to send a preprogrammed audio message, a preprogrammed video message, or a preprogrammed text message as the second signal, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

38. Claim 13 is rejected under 35 U.S.C. 103 as being unpatentable over Hall.

39. As per Claim 13, Hall does not expressly show wherein the first predetermined location is one of an address, an intersection, a threshold distance and a defined area.

40. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The method of coordinating an activity would be performed regardless of the type of predetermined location used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

41. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an address, an intersection, a threshold distance, or a defined area as the first predetermined location, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

42. Claim 18 is rejected under 35 U.S.C. 103 as being unpatentable over Hall.

43. As per Claim 18, Hall does not expressly show wherein the mobile station is one of a portable computer, a cellular telephone, a personal digital assistant, a pager and a vehicle positioning system.

44. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The method of coordinating an activity would be performed regardless of the type of mobile station used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

45. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a portable computer, a cellular telephone, a personal digital assistant, a pager, or a vehicle positioning system as the mobile station, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

46. Claim 20 is rejected under 35 U.S.C. 103 as being unpatentable over Hall.

47. As per Claim 20, Hall does not expressly show wherein the means for determining is one of a global positioning system, a signal triangulation system, a pilot measurement system, a radio frequency signature pattern system and a center-of-mass prediction system.

48. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The method of coordinating an activity would be performed regardless of the location determining means used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms

of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

49. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a global positioning system, a signal triangulation system, a pilot measurement system, a radio frequency signature pattern system, or a center-of-mass prediction system to locate the mobile customer, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Conclusion

50. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
51. The following foreign patent is cited to show the best foreign prior art found by the examiner:

PCT No. WO 200062266 A1 to LEV-ARI et al

LEV-ARI discloses an automated on-line matchmaking apparatus for wedding or entertainment, which stores members' information to do matchmaking task and establishes immediate connection between two matched members through phone or Internet.

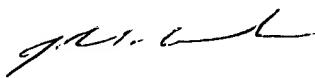
52. The following non-patent literature is cited to show the best non-patent literature prior art found by the examiner:

Baard, Erik, "Here and now," Chief Executive, n158, PP: 42-29, August 2000.

Baard discloses several innovations in mobile technology – including the ability GPS tracking/locating technology.

53. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
54. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.
55. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

jo
May 8, 2003


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
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